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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UTAH REPUBLICAN PARTY,

Plaintiff,

v.

GARY R. HERBERT, in his Official Capacity
as Governor of Utah, and SPENCER J. COX,
in his Official Capacity as Lieutenant Governor
of Utah,

Defendants.

**JOINT MOTION TO CERTIFY
QUESTION TO THE UTAH SUPREME
COURT**

Case No. Case No. 2:16-cv-00038-DN

Judge David Nuffer

Pursuant to the Court's order dated January 19, 2016,¹ Defendants Gary R. Herbert and Spencer J. Cox ("Defendants") and Plaintiff Utah Republican Party ("Plaintiff"), through counsel, met and conferred on January 26, 2016 to discuss what questions, if any, were

¹ [See doc. 7.](#)

appropriate to submit to this Court to request certification to the Utah Supreme Court for resolution pursuant to [Utah Rule of Appellate Procedure 41\(a\)](#). Subsequently, the Utah Democratic Party (“UDP”) filed a motion to intervene in this case.² Accordingly, on January 29, 2016, counsel for the parties and the UDP held a second conference to discuss what questions, if any, were appropriate to submit to this Court to request certification to the Utah Supreme Court for resolution. Pursuant to the Court’s order dated January 19, 2016, Plaintiff and Defendants hereby jointly move the Court to certify the following question to the Utah Supreme Court for resolution:³

In interpreting [Utah Code § 20A-9-101\(12\)\(d\)](#), [§ 20A-9-406\(3\)](#) and [§ 20A-9-406\(4\)](#), does Utah law require that a QPP permit its members to seek its nomination by “either” or “both” of the methods set forth in [§ 20A-9-407](#) and [§ 20A-9-408](#), or may a QPP preclude a member from seeking the party’s nomination by gathering signatures under [§ 20A -9- 408](#)?

The statutes that may be at issue include: [Utah Code § 20A-9-101\(12\)\(d\)](#), [Utah Code § 20A-9-406\(3\)](#), [Utah Code § 20A-9-406\(4\)](#) and [Utah Code § 20A-9-401](#).

The parties further represent that the question set forth above is a controlling issue of law in the proceedings before this Court, and that the parties have not identified any controlling Utah law to resolve this issue.⁴

The parties reserve the right to submit additional questions to this Court for certification to the Utah Supreme Court.

² See doc. 10.

³ See doc. 7. See also [Utah Rule of Appellate Procedure 41\(a\)](#).

⁴ See [Utah Rule of Appellate Procedure 41\(a\)](#).

DATED: January 29, 2016

Troupis Law Office, P.A.

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/s/Christ Troupis
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